

Program Operations Manual System (POMS)

TN 5 (05-15)

DI 25510.001 Closed Period of Disability

CITATIONS: Regulations 20 CFR § 404.1594 and 416.994

A. Definition Of A Closed Period Of Disability

A closed period of disability is the period of disability with a definite beginning date and a definite ending date that the adjudicator establishes at the time of adjudication.

NOTE: If disability ended more than 14 months prior to the filing date:

- No benefits are payable. (For more information on establishing a closed period of disability under Title II, see DI 25510.010A.2.)
- Consider whether a closed period freeze applies. (For more information on a closed period freeze under Title II, see DI 25510.010B.)

B. Policy For A Closed Period Of Disability

A claimant may be entitled to a closed period of disability if the evidence shows he or she was disabled or blind for a continuous period of not less than 12 months, but based on the evidence is no longer disabled or blind at the time of adjudication. The claimant must meet all other requirements for disability or blindness.

1. Evidence required to establish a closed period of disability

To establish a closed period of disability, the evidence must show:

- the onset date (For the definition of onset date, see DI 25501.200A.),
- the duration requirement is met (For the definition of duration requirement, see DI 25505.025B.), and

- the date disability ceased. Apply the medical improvement review standard (MIRS) in determining when disability ceased.

NOTE: The duration requirement period begins at the time that a person is continuously unable to engage in substantial gainful activity (SGA), and has not engaged in SGA, because of a medically determinable impairment(s), even if that date is earlier than the established onset date (EOD).

REMINDERS:

- Under Title XVI, the duration requirement does not apply to a closed period of disability for a blind claimant.
- Under Title II, in statutory blindness cases, the claimant may still be engaging in SGA in order to establish a closed period freeze.

2. Beginning and ending dates

The following states when to start and end the closed period of disability.

- Set the beginning date for a closed period of disability at the EOD or in statutory blindness cases, the first day the claimant meets the definition of statutory blindness. (For the definition of statutory blindness, see DI 26001.001.)
- Set the ending date for a closed period of disability on the day disability ceased.

C. How To Determine That Disability Ended Prior To The Date Of Adjudication

1. Establishing a potential closed period of disability using the MIRS

Establish that a closed period of disability ended by applying the MIRS. The MIRS refers to the legal standard for determining if disability continues and includes consideration of both medical improvement (MI) and exceptions to MI. For a complete discussion of the MIRS, see DI 28005.001 through DI 28020.900.

2. Applying the MIRS for a potential closed period of disability

To apply the MIRS for a potential closed period of disability, use the EOD as the comparison point even if the onset date is earlier than the EOD. For further instructions on comparison point decisions for a closed period, see DI 28010.105B.3.

If you establish disability for a continuous period of not less than 12 months and, after that time, the claimant demonstrates MI (or an exception to MI applies), you may find that disability ended, as described in DI 28005.205C.8.

SSA requires a personalized disability explanation (PDE) for closed period allowances. Send the PDE with an SSA-L1157–DI or SSA-L1157–SI.

See details :

DI 26530.015 Personalized Disability Explanation in Initial Closed Period and Unfavorable Onset Date Allowances

NOTE: Do not establish the end of a closed period of disability simply because the claimant has returned to work at the SGA level, as the claimant may be entitled to work incentives. Establish the EOD and complete an assistance request (AR) to the field office to investigate the work issue for a work continuing disability review.

See details:

DI 13010.010 Handling Events That May Require a Work Continuing Disability Review (CDR)

D. Determining A Closed Period Of Disability

1. Title II claims

For establishing a closed period of disability and protecting a closed period freeze under title II, see DI 25510.010.

2. Title XVI claims

For determining a closed period of disability under title XVI, see DI 25510.015.

3. Concurrent claims

Consider a closed period of disability separately for each claim. You may establish a closed period under Title II even though a finding of disability may not be appropriate under Title XVI. This situation generally would occur when disability ceased prior to the month of Title XVI filing. The claimant would be entitled to benefits under Title II because retroactivity applies to Title II. However, retroactivity does not apply to Title XVI, so the claimant would not be eligible for payments.

E. References

DI 23510.001 Cases Involving Death – Title II and Title XVI

DI 23510.020 Death after Filing – Title II (Chart)

DI 23510.025 Death Prior to Filing – Title II (Chart)

DI 26510.010 Completing Item 15 (Claimant Disabled) on the SSA-831

DI 26510.080 Completing Item 28 (Period of Disability) on the SSA-831

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